THE BOMBAY VILLAGE POLICE ACT, 1867.

CONTENTS.

PREAMBLE.—

Sections.

1. Interpretation clause.
2. [*Repealed.*]
3. Administration, control and direction of village-police, in whom vested.
4. Power to depute to District Superintendent authority over village-police-officer.
5. Village-police in villages under charge of Police-patel.
   Appointment of Police-patel.
   Police-patels may be appointed for different divisions of town or place.
6. Duties of Police-patel.
7. Authority over village-servants.
8. Precautions against robbery, etc.
9. Penalties for neglect of duty, etc.
9A. Liability to criminal prosecution not affected.
   Power to suspend during trial.
10. Information to officer in charge of District Police-station when criminal in village has escaped or is not known.
11. Inquest in cases of unnatural or sudden death, or corpse found within village.
   Punishment for refusing or neglecting to serve on inquest.
   Corpse when to be forwarded to nearest Civil Surgeon, etc., for examination.
   When burning to be delayed till officer in charge of Police-station assents.
12. Police-patel to apprehend person he believes has committed serious offence.
   Person apprehended to be forwarded to Police-station.
13. Power to call and examine witnesses, record evidence and search for concealed articles.
   Power to enter limits of other villages.
14. [*Repealed.*]
15. [*Repealed.*]
16. [*Repealed.*]
17. [*Repealed.*]
18. [*Repealed.*]
19. Unclaimed property.
20. Prosecution under other Regulations, etc., for offence punishable by Act.
21. Provision in case of absence, sudden illness, etc., of Police-patel.
22. "District Police-station" defined.
23. Application of Act to certain areas with modifications.
24. Short title.

BOMBAY ACT No. VIII OF 1867.[1]

[THE BOMBAY VILLAGE POLICE ACT, 1867.]

[*21st December 1867*]

Repealed in part by Act 12 of 1873;
" " " " " 12 of 1876;
" " " " Bom. 3 of 1886;
" " " " " 28 of 1949.
Repealed in part (locally and temporarily), by Bom. 1 of 1889.
Amended, by Bom. 1 of 1876; Bom. 3 of 1886 (as amended by Bom. 1 of 1891); Bom. 4 of 1905; Bom. 3 of 1915 and Bom. 9 of 1925.
Supplemented, by Bom. 4 of 1890.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 17 of 1945.*
" " " 18 of 1947.
" " " 8 of 1950.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 23 of 1951.

An Act for the regulation of the Village Police in the Presidency of Bombay.

WHEREAS it is expedient to provide for the regulation of the Village-police in the Presidency of Bombay; It is enacted as follows:— Preamble.

Bom. Acts VII of 1867 and IV of 1890. V of 1898.

1. The terms [2]* *, "District Superintendent" and "Assistant Superintendent of Police", "Police-officer" and "District-police", when used in this Act, mean those constituted under the Bombay District Police [3][Acts, 1867 and 1890]. Interpretation clause.

[4][The term "Executive Magistrate" when used in this Act has the meaning assigned to it in the Code of Criminal Procedure, 1898.]

2. [*Repeal of enactments.*] *Rep. Act XII of 1873.*

3. The administration of the village-police throughout each district shall, under the control and direction of the Commissioner [5]* *, be exercised by the Magistrate of the district, who may, with the sanction of the Commissioner [5]* *, delegate any portion thereof to any Magistrate with full powers having also revenue charge as an Assistant or Deputy Collector. Administration, control and direction of village-police, in whom vested.

4. It shall be lawful for the Magistrate of a district, with the sanction of the Commissioner [5]* *, to depute to the District Superintendent of Police any authority which may be exercised by the Magistrate of a district for the purposes of police over any village-police-officer. Power to depute to District Superintendent authority over village-police-officer

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1867, Pt. V, p. 66; for Report of the Select Committee, *see ibid*, p. 78, and for Proceedings in Council *see ibid*, pp. 94 and 358.

* This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

[2] The words "Commissioner of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), as amended by Bom. 1 of 1891, s. 2 (*a*) (*i*). Both these Acts are now however themselves repealed; but *see* Schedule B to Bom. 3 of 1886, which is printed as an Appendix to the Bombay General Clauses Act, 1904.

[3] These words and figures were substituted for the word and figures "Act 1867" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), as amended by Bom. Act 1 of 1891, s. 2 (*a*) (*i*).

[4] This paragraph was added by Bom. 23 of 1951 s. 2, Schedule—Part III.

[5] The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

Village-police in villages under charge of Police-Patel.

5. (*1*) The village-police in each village shall be under the charge of such person as the [1][2][State] Government] shall [3]* * appoint in writing to be Police patel, and unless the [4][2][State] Government] [5]* *, owing to the size of the village or other good cause, see fit to separate the appointments, the [1][2][State] Government] shall appoint the person conducting the duties of Revenue-patel to be Police-patel.

Appointment of Police-patel.

(*2*) In making the appointment, the [6][2][State] Government] shall have due regard to the provisions [7]* * * in force for regulating the services of hereditary officers, so far as the same may be applicable ; but, when the Revenue-patel is not appointed Police-patel, and more persons than one claim by reason of hereditary right to perform the duties, in rotation or otherwise, it shall be lawful for the [1][2][State] Government] to appoint the most fit from among their number.

Police-patels may be appointed for different divisions of town or place.

(*3*) In any town or place in which the duties cannot be efficiently performed by one Police-patel, the [1][2][State] Government] may, [8]* * * * * * * * * * * [5]* * *, appoint a sufficient number of Police-patels for the different divisions of the town or place.

Duties of Police-patel.

6. The Police-patel shall, subject to the orders of the Magistrate of the district, act under the orders of [9][any other Executive Magistrate] within whose local jurisdiction his village is situated, whom he shall furnish with any returns or information called for, and keep constantly informed as to the state of crime and all matters connected with the village-police, the health and general condition of the community in his village.

He shall also afford all Police-officers every assistance in his power when called upon by them for assistance in the performance of their duty.

He shall further promptly obey and execute all orders and warrants issued to him by a Magistrate or Police-officer, shall collect and communicate to the District-police intelligence affecting the public peace, shall prevent within the limits of his village the commission of offences and public nuisances, and shall detect and bring offenders therein to justice.

Authority over village servants.

7. The Police-patel shall have authority to require all village-servants, in whatever capacity ordinarily employed, to aid him in performing the duties entrusted to him ; and it shall be the duty of the village-revenue-accountant, whether hereditary or stipendiary, to frame all written returns and proceedings for the Police-patel.

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[1] The words " Provincial Government " were substituted for the words " Magistrate of the district " by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[3] The words " subject to the approval of the Commissioner " were omitted by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[4] The words " Provincial Government " were substituted for the word " Commissioner " by the Adaptation of Indian Laws Order in Council.

[5] The words " of Police " were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[6] The words " Provincial Government " were substitued for the words " said Magistrate " by the Adaptation of Indian Laws Order in Council.

[7] The words and figures " of Act XI of 1843 (*an Act for regulating the Service of Hereditary Officers under the Presidency of Bombay*), or other Act " were repealed by the Repeal Act, 1876 (12 of 1876).

[8] The words " with the consent of the Commissioner " were omitted by the Adaptation of Indian Laws Order in Council.

[9] These words were substituted for the words " the Magistrate " by Bom. 23 of 1951, s. 2, Schedule—Part III.

Precautions against robbery, etc.

8. The Police-patel shall dispose of the village-establishment so as to afford the utmost possible security against robbery, breach of the peace and acts injurious to the public and to the village-community, and shall report to [1][the Executive Magistrate] to whose jurisdiction he is immediately subordinate all instances of misconduct or neglect committed by any member of the said establishment.

Penalties for neglect of duty etc.

[2][**9.** Any Police-patel or member of a village-establishment liable to be called on for the performance of Police-duties who shall be careless or negligent in the discharge thereof shall be liable to be fined under the order of [3][the Magistrate of the District] to any amount not exceeding the fourth part of the annual emoluments of his office.

If he shall be accused of any violation of duty or breach of rule, or of other misconduct which shall seem to such Magistrate to require a heavier punishment, he may suspend him from office during inquiry into such accusation, and at the close of such inquiry, if the said Magistrate shall consider him guilty of misconduct meriting such punishment, he may suspend him from office for a further period not exceeding six months, or [4][if the Magistrate is of opinion that he should be dismissed, the Magistrate shall refer his case to the State Government which may pass such orders thereon as it may think fit].

Liability to criminal prosecution not affected.

[5][**9A.** Nothing in the last preceding section shall affect the liability of any Police-patel or other member of a village-establishment to a criminal prosecution for any offence with which he may be charged.

Power to suspend during trial.

[6][The Magistrate of the District] may suspend any person subjected to any such prosecution pending the inquiry and trial.]

Information to officer in charge of District Police-station when criminal in village has escaped or is not known.

10. If a crime shall have been committed within the limits of the village, and the perpetrator of the crime has escaped or is not known the Police-patel shall forward immediate information to the Police-officer in charge of the District Police-station within the limits of which his village is situated, and shall himself proceed to investigate the matter, obtaining all procurable evidence relating to it which he shall forward to the said officer.

Inquest in cases of unnatural or sudden death or corpse found within village.

11. (*1*) If any unnatural or sudden death occur, or any corpse be found, within the bounds of any village, the Police-patel shall forthwith assemble an inquest, to be composed of two or more intelligent persons belonging to the village or neighbourhood, who shall investigate the causes of death and all the circumstances of the case, and make a written report of the same, which the Police-patel shall cause to be forthwith delivered to the Police-officer in charge of the District Police-station within the limits of which the village is situated.

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[1] These words were substituted for the words "the Magistrate" by Bom. 23 of 1951, s. 2, Schedule—Part III.

[2] Section 9 was substituted by s. 2 of the Bombay Village Police Act (Amendment) Act, 1876 (Bom. I of 1876).

[3] These words were substituted for the words "any Magistrate of the first class" by Bom. 23 of 1951, s. 2. Schedule—Part III.

[4] This portion was substituted for the words beginning with the words "dismiss him" and ending with the words "Provincial Government", by the Adaptation of Laws Order, 1950.

[5] Section 9A was inserted by the Bombay Village Police Act (Amendment) Act, 1876 (Bom. I of 1876), s. 3.

[6] These words were substituted for the words "Any Magistrate of the first class" by Bom. 23 of 1951, s. 2, Schedule—Part III.

Punishment for refusing or neglecting to serve on inquest.

(*2*) Any person who, on being called upon by the Police-patel to serve as a member of such inquest, shall without justifiable cause refuse or neglect to do so, shall be liable, on conviction before a Magistrate, to punishment not exceeding fifty rupees fine, or, in default of payment, to imprisonment for one month.

Corpse when to be forwarded to nearest Civil Surgeon, etc., for examination.

(*3*) If the results of the inquest afford reason for supposing that death has been unlawfully occasioned, the Police-patel shall give immediate notice to the officer in charge of the District Police-station within the limits of which his village is situated, and, if the corpse can be forwarded without the risk of putrefaction by the way, shall at once forward it to the nearest Civil Surgeon or other medical officer appointed by [1][the [2][State] Government] to examine corpses under such circumstances, who shall endeavour to ascertain the cause of death.

When burning to be delayed till officer in charge of police station assents.

Should the Police-patel be unable to forward the corpse without the risk of putrefaction rendering examination useless or dangerous, he shall nevertheless prevent the burning or burying of such corpse until the Police-officer in charge of the District Police-station within the limits of which his village is situated, or one of his subordinates deputed by him or a Magistrate, shall have assented thereto.

Police patel to apprehend person he believes has committed serious offence.

12. (*1*) The Police-patel shall apprehend any person within the limits of his village who he may have reason to believe has committed any serious offence, and shall forward such person, together with all articles likely to be useful as evidence to the Police-officer in charge of the Police station within the limits of which his village is situated.

Person apprehended to be forwarded to Police station.

(*2*) Every person so apprehended shall be forwarded within twenty-four hours to the District Police-station within the limits of which the village is situated.

Power to call and examine witnesses, record evidence and search for concealed articles.

13. (*1*) The Police-patel, in making any inquiry coming within the scope of his duty, not being a case in which it is competent for him to inflict punishment, shall have authority to call and examine witnesses, and record their evidence on solemn affirmation, and to search for concealed articles, taking care that no search be made in a dwelling-house between sunset and sunrise without urgent occasion.

Power to enter limits of other villages.

(*2*) He shall also have authority, in carrying out any search or any pursuit of supposed criminals, to enter and act within the limits of other villages, being bound however to give immediate information to the Police-patel thereof, who shall afford him all the assistance in his power, and be immediately responsible for continuing the search and pursuit.

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[1] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[1]**14.** [*Power to try and punish for petty assault or abuse.*] *Repealed by Bom. 28 of 1949.*

15. [*Magistrate may issue a commission to Police-patel to try certain offenders. Power of patel to punish.*] *Repealed by Bom. 28 of 1949.*

16. [*Power to prohibit, and to punish for beating, etc., animal; bathing, washing in, or defiling, well, etc.; depositing dirt, etc.; committing nuisance, etc.; accumulating offensive matter in cesspools, etc.; allowing offensive matter to issue on thoroughfare, depositing dead bodies so as to corrupt water for drinking.*] *Repealed by Bom. 28 of 1949.*

17. [*Proceedings how taken under sections 14, 15 and 16.*] *Repealed by Bom. 28 of 1949.*

18. [*Power to cancel commission issued under section 15.*] *Repealed by Bom. 28 of 1949.*

19. The Police-patel shall take charge of all unclaimed property found within his village, or made over to him under the provisions of the Bombay District Police Act, 1867[2], and shall forthwith make a report to [3][the Executive Magistrate] to whom he is subordinate, and act thereafter as he may be directed by the said Magistrate, unless the property be of a description coming within the provisions of Act III of 1857 (*an Act relating to trespasses by cattle*)[4] in which case the Police-patel shall be guided by that enactment. Unclaimed property. Bom. VII of 1867.

20. Nothing contained in this Act shall be construed to prevent the prosecution of any person under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act:

Provided that no person shall be punished twice for the same offence. Prosecution under other Regulations, etc., for offence punishable by Act.

21. In case of the Police-patel being unable to attend to his duty, owing to urgent absence from the village, sudden illness or other cause, he shall place a competent kinsman, or failing a competent kinsman some other competent person in charge of his office making an immediate report to [3][the Executive Magistrate] to whom he is immediately subordinate and the person so placed in charge shall, until the receipt of instructions to the contrary, continue to act for the Police-patel in all his duties.[5*] Provision in case of absence, sudden illness, etc., of Police-Patel.

22. The term "District Police-station" in this Act shall include the villages or places within the limits of the charge of a Police-officer in charge of a station. "District Police station" defined.

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[1] Sections 14 to 18 (both inclusive) have been deleted by s. 2 of Bom. 28 of 1949.

Provided that the Chief Presidency Magistrate in the villages specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 (Bom. XVII of 1945) and elsewhere the District Magistrate shall direct that any proceedings pending before any Police-patel under sections 14, 15 and 16 of the said Act on the date on which this Act comes into force hall be decided and disposed of by such subordinate Magistrate as the Chief Presidency Magistrate or the District Magistrate, as the case may be, may specify in this behalf and such subordinate Magistrate shall decide and dispose of any such proceedings in accordance with the provisions of the said Act, as if this Act was not passed and as if he had under the Code of Criminal Procedure, 1898 (V of 1898), taken cognizance of the offence which is the subject matter of such proceedings

[2] *Supra.*

[3] These words were substituted for the words "the Magistrate" by Bom. 23 of 1951, s. 2, Schedule—Part III.

[4] *See* now the Cattle Trespass Act, 1871, s. 2 (Unrepealed Central Acts).

[5] The words "except those which involve the trial and punishment of offenders" were deleted by Bom. 28 of 1949, s. 3.

Application of Act to certain areas with modifications.

[1]23. Notwithstanding anything hereinbefore contained, the provisions of this Act shall apply to the villages specified in [2][Parts II and III] of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, subject to the following modifications, namely :— Bom. XVII of 1945.

(*1*) For section 1, the following shall be substituted, namely :—

"1. *Interpretation clause.*—The expression 'City Police' shall mean the Police force constituted under the City of Bombay Police Act, 1902 (hereinafter referred to as the said Act) and the expressions 'Deputy Commissioner of Police', 'officer in charge of a section' and 'Police officer' shall have the meanings respectively assigned to them in the said Act."

(*2*) For section 3, the following section shall be substituted, namely :—

"3. *Administration, control and direction of village police in whom vested.*—The administration of the village police shall, under the control and direction of the Commissioner, Northern Division, be exercised by the [3][Collector of the Bombay Suburban District] (hereinafter referred to as the said Collector) who may, with the sanction of the Commissioner, Northern Division, delegate any portion thereof to an ass istant or deputy collector".

(*3*) Section 4 shall be deleted.

(*4*) In section 6—

(*a*) for the words "Magistrate of the district" the words "said Collector" shall be substituted ;

(*b*) for the word "Magistrate" where it occurs for the second time the words "Deputy Commissioner of Police" shall be substituted ; and

(*c*) for the words "District police" the words "City police" shall be substituted.

(*5*) In section 8, for the word "Magistrate" the words "Assistant or Deputy Collector, as the case may be", shall be substituted.

(*6*) In section 9—

(*a*) for the words "any Magistrate of the first class", the words "the Assistant or Deputy Collector" shall be substituted ; and

(*b*) for the word "Magistrate" wherever it occurs in the second paragraph, the words "Assistant or Deputy Collector" shall be substituted.

(*7*) In section 9A for the words "Magistrate of the first class" the words "Assistant or Deputy Collector" shall be substituted.

(*8*) In section 10, for the words "Police-officer in charge of the District Police-station" the words "officer in charge of the section" shall be substituted.

(*9*) For section 11 the following shall be substituted, namely :—

"11. *Cases of unnatural or sudden death or corpse found to be reported to officer in charge of section.*—If any unnatural or sudden death occur, or any corpse be found, within the bounds of any village, the Police-patel shall forthwith give

[1] Section 23 was inserted by Bom. 17 of 1945, s. 9. sch. E, read with Bom. 52 of 1947, s. 2, proviso.
[2] This portion was substituted for the original by Bom. 8 of 1950, ss. 5 and 11.
[3] The words "Collector of the Bombay Suburban District" were substituted for the words "Collector of Bombay" by Bom. 18 of 1947, s. 2.

notice thereof to the officer in charge of the section within the limits of which his village is situated and shall prevent the burning or burying of such corpse until the Coroner of Bombay has authorised its disposal under sub-section (*2*) of section 8, or given his warrant under section 28 of the Coroners Act, 1871."

IV of 1871.

(*10*) In section 12—

(*a*) in sub-section (*1*) for the words "Police-officer in charge of the Police station" the words "officer in charge of the section" shall be substituted; and,

(*b*) in sub-section (*2*), the word "District" shall be deleted.

(*11*) In sub-section (*1*) of section 15 for the words "Magistrate of a district" the words "said Collector" shall be substituted.

(*12*) In section 17—

(*a*) for the word "Magistrate" where it first occurs, the words "Assistant or Deputy Collector, as the case may be", shall be substituted; and

(*b*) for the words "Magistrate of the district" the words "said Collector" shall be substituted.

(*13*) In section 18, for the words "Magistrate of a district", the words "said Collector" shall be substituted.

(*14*) for section 19, the following shall be substituted, namely :—

"19. *Unclaimed property.*—The Police-patel shall take temporary charge of all unclaimed property found within his village, or made over to him and shall forthwith deliver all such property to the officer in charge of the section in which his village is situated."

(*15*) In section 21, for the word "Magistrate" the words "Assistant or Deputy Collector, as the case may be", shall be substituted.

(*16*) Section 22 shall be deleted.

24. This Act may be cited as the Bombay Village Police Act, 1867. **Short title.**